

REMARKS

Claims 1–17 have been canceled and claims 21–31 have been added. Accordingly, claims 18–31 are pending in the case.

Restriction Requirement

Applicants elect Group I comprising previous composition claims 1 to 9, which would roughly correspond to new method claims 21 to 31, with traverse.

The claims as amended are now directed to a method of treatment, instead of compositions. New claim 1 is a general method for “reversing the ongoing action of activated blood cells”. These terms are intended to cover any type of disease wherein blood cells are activated, for example, an adverse immune response, inflammation, cancer or septic shock. The blood cells can therefore be any type of blood cells involved in all these categories of diseases (macrophages, neutrophils, lymphocytes, ...).

Applicants have merged previous Groups II and III with Group I. The disruption of mitochondrial function and of nitric oxide synthesis are now mechanisms by which the reversal on the ongoing action of activated cells occurs.

It is respectfully submitted that Groups I, II and III should be considered together in view of 1) the enclosed amendment that proposes a single concept of invention and 2) the fact that all these Groups would be searched in one single class of art (514/19).

The methods all include proteasome inhibitors. Therefor, there is no longer a motivation to consider that separate proteasome inhibitors are to be patented in separate compositions. It is also submitted that the prior art does not teach or suggest the claimed method, and that the claimed method is believed to be a contribution over the art.

Election of Species

Regarding the election of one species, in the case no generic claim is found allowable, Applicants select lactocystein as a proteasome inhibitor. Claims 21–29 are generic with respect to proteasome inhibitors, and claims 30–31 recite lactocystein. Accordingly, claims 21–31 read on lactocystein.

Applicants additionally select rapamycin as an immunosuppressive drug. Claim 24 is generic with respect to an immunosuppressive drug, and claim 25 recites rapamycin. Therefore, claims 24 and 25 read on rapamycin.

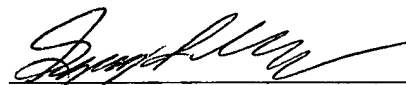
CONCLUSION

In view of the amendments and remarks presented herein, Applicants respectfully submit that the claims are in condition for allowance. Notification to that effect is earnestly solicited. If prosecution of this case could be facilitated by a telephonic interview, the Examiner is encouraged to call Applicants' Representative at (612) 336-4728.

Respectfully submitted,

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